

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES – GENERAL

Case No. **8:24-cv-00932-MCS-ADS**Date May 2, 2024Title ***Spherical Indus., Inc. v. Angulo***Present: The Honorable Mark C. Scarsi, United States District JudgeStephen Montes Kerr

Deputy Clerk

Not Reported

Court Reporter

Attorney(s) Present for Plaintiff(s):

None Present

Attorney(s) Present for Defendant(s):

None Present

Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE: SUBJECT-MATTER JURISDICTION

Plaintiffs Spherical Industries, Inc., Spherical Industries Holdings LLC, Christopher Michael Duggan, and Will Steven Hardy bring this action against Defendants Alejandro S. Angulo and Rutan & Tucker, LLP, for negligence and breach of fiduciary duties. (Compl., ECF No. 1.)

The Court questions its jurisdiction over the action. *See Gonzalez v. Thaler*, 565 U.S. 134, 141 (2012) (obliging courts to examine subject-matter jurisdiction issues sua sponte). Federal courts are of limited jurisdiction, having subject-matter jurisdiction only over matters authorized by the Constitution and Congress. *Kokkonen v. Guardian Life Ins. Co.*, 511 U.S. 375, 377 (1994). Federal courts have original jurisdiction over cases between citizens of different states where the amount in controversy exceeds \$75,000. 28 U.S.C. § 1332(a).

In its verified complaint, Plaintiffs invoke the Court's diversity jurisdiction. (Compl. ¶ 11.) Plaintiffs offer insufficient allegations about the citizenship of Plaintiff Spherical Industries Holdings LLC and Defendant Rutan & Tucker, LLP. Plaintiffs allege Spherical Industries Holdings LLC "is a Nevada Limited Liability Company, with its principal place of doing business located in the State of Nevada,"

(Compl. ¶ 13), and Rutan & Tucker LLP “are residents of the State of California, doing business in the City of Irvine,” (Compl. ¶ 15). But a limited liability company like Spherical Industries Holdings LLC and a limited liability partnership like Rutan & Tucker, LLP, are citizens “of every state of which its owners/members are citizens.” *Johnson v. Columbia Props. Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006). Plaintiff does not offer facts probative of the citizenship of neither Spherical Industries Holdings LLC’s owners or members nor Rutan & Tucker, LLP’s owners or members. Without that information, the Court cannot confirm the parties have diverse citizenship.

The Court orders Plaintiffs to show cause why the action should not be dismissed for lack of jurisdiction. Plaintiffs shall file a written response within 14 days either conceding the Court lacks jurisdiction or adducing additional facts about the citizenship of the parties. Failure to file a timely and satisfactory response will result in dismissal without further notice.

IT IS SO ORDERED.